

The Salisbury Planning Board held its regular meeting Tuesday, December 13, 2005, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Dr. Mark Beymer, Lou Manning, Brian Miller, Sandy Reitz, Valarie Stewart, Albert Stout, Bryce Ulrich, Dr. Kelly Vance, Price Wagoner, Charlie Walters, and Diane Young

ABSENT: Bryan Duncan

STAFF: Janet Gapen, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, Joe Morris, David Phillips, and Patrick Ritchie

Chairman Brian Miller called the meeting to order and offered the invocation. The minutes of the November 8, 2005, meeting were approved as published.

Planning Board received a presentation from staff (recently presented to City Council) concerning amendments to the General Statutes regarding planning law. Mr. Mitchell explained the 2005 North Carolina Planning Legislation, and offered a brief overview for quasi-judicial matters (more to be presented at a later date). These are the first major amendments to planning legislation in over 80 years: Clarification Statutes S. L. 2005-418 (S. 518) and Modernization Statutes S. L. 2005-426 (S. 814)

Presentation assistance came from The School (Institute) of Government, Richard Ducker, and Centralina Council of Governments, Bill Duston.

These provisions are effective January 1, 2006, except the moratoria provisions effective immediately, both Planning Board and City Council will follow quasi-judicial proceedings. This presentation focused only on the quasi-judicial proceedings. For Planning Board, this applies only to "S" Districts. Recommendation is made by the Planning Board, not by staff.

- Sworn testimony; Findings of Fact; 3/2 Vote
- Updated Procedures
- Disclosure of Ex Parte Communication
- Evidentiary Hearing (Evidence presented at hearing – limited advance information)

Ex Parte Communication - Oral or written off-the-record communication made to, from, or between decision makers that could affect outcome of case. Planning Board members are required to disclose ex parte communication for quasi-judicial actions, not required for legislative (Legislative = General Rezoning and Text Amendment) actions. This is highly recommended by the Institute/COG to remain consistent regardless of financial and other conflicts of interest.

Quasi-Judicial Proceedings will receive Planning Board recommendation (still required by law). No staff recommendation will be included in a report; the recommendation may be made at the courtesy hearing. There will be no subjective policy analysis in the report and no committee convening (neither for Planning Board nor City Council). The Board may defer action to gather more evidence. This also does not apply to legislative actions.

Quasi-judicial conditions must be “reasonable and appropriate.” The conditions must meet the following conditions: Conformity to an existing ordinance or any adopted plan (Vision 2020/ Greenway Plan/Thoroughfare Plan), address any impact directly linked to proposed development, that affects the health, safety, and welfare of the public and determined during findings of fact. The third condition is that they must be mutually agreed upon by Planning Board, City Council and the petitioner.

“Statement of Reasonableness” -- Must provide a written statement analyzing reasonableness and whether in the public interest.

“Statement of Consistency” – Planning Board will state (written) whether rezoning is consistent with adopted plans. City Council must adopt similar statement with previous Statement of Reasonableness.

COMMITTEE REPORTS REQUIRING ACTION

A. S-06-05

John Leatherman

8.92-acre tract located off Rosemont Street and Dodd Street into seven commercial lots.

Valarie Stewart read the motion brought forth from Planning Board Committee 2 which met November 30, 2005:

1. That a roundabout be provided within the subdivision before the new roadway enters Rosemont Street.
2. That a connection be established to the commercial property to the west via a private driveway easement.
3. That Dodd Street is established as a public street with a minimum 40-foot right-of-way with a sidewalk on one side.
4. That an NC DOT connection permit be obtained prior to any development.

The motion was made by Diane Young and seconded by Bryce Ulrich.

The property is zoned B-1, R-8, B-6 and R-6A with a general development overlay on the property. Before any building can be constructed, the owner must submit a site plan through the review process.

Patrick Ritchie made a presentation on the proposed plans and submitted an updated plan to the Planning Board on which a roundabout has been added.

A private driveway must be indicated as such. The plan shows commercial improvements (parking lot) that do not currently exist. There are still major concerns about the Dodd Street connector. Dodd Street shows on the Rowan County Tax Maps as a substandard public right-of-way. There is existing infrastructure in that right-of-way that was not built to City standards. Concrete verification of the right-of-way does not exist.

Bryce Ulrich presented details about the committee's discussion on connectivity. The motion was revised due to the revised site plan on which two of the issues had been addressed.

John Leatherman of 120 Gregory Road is submitting the plan and stated that he has made every attempt to find any dedication or recording of Dodd and Crosby Streets. He defended his plan and will return to present the buildings in the future. He feels this is a good infill project.

The new MOTION by Diane Young is to approve this plan with the following conditions:

1. That Dodd Street is established as a public street with a minimum 40-foot right-of-way with a sidewalk on one side.
2. That an NC DOT connection permit be obtained prior to any development.

Bryce Ulrich seconded the motion with all members voting AYE. (11-0)

Planning Board makes the final decision on a subdivision and this will not go before City Council.

B. Z-15S-05 Kay Norman
316 Mooresville Road
014 197
.53 acres
From R-8 to R-6A-S

Board discussion:

The Planning Board Legislative Committee B convened November 15, 2005, to further discuss the rezoning petition to establish a Special Use District (S-District) on property located at 316 Mooresville Road. The Planning Board first heard this case November 8, 2005. At that meeting, there was significant opposition and lengthy discussion by the Board. The Board voted 8-2 to send the item to a legislative committee for further review.

At the committee meeting, discussion topics ranged from square footage of the structure to the number of vehicles per day on this link of Mooresville Road. Much of the discussion also centered around the merits of locating a day care on this property and what conditions would be appropriate if granted by City Council.

Couple of facts from the committee meeting:

- The house is currently 1,354 square feet in size.
- The fenced portion of the back and side yard reaches approximately 15,100 square feet in size.
- The mean square footage of all surrounding properties is 1,375 square feet.
- The latest (2004) NC DOT traffic count for this link of Mooresville Road equals 4,800 vehicles per day. It was also clarified that Mooresville Road is a major thoroughfare on the city's Thoroughfare Plan.

Kelly Vance made a MOTION to recommend approval of the zone change and conditional approval of the associated S-District Permit with the following conditions:

1. Site plan review and approval shall be obtained by city staff and NC DOT.
2. As part of site review, the driveway shall be reconfigured so as to reduce vehicle conflict at the Mooresville Road and 3rd Street intersection.
3. A 15-foot planting yard shall be installed along the east and north property lines and shall provide complete visual separation.
4. The structure shall not be rebuilt or expanded to exceed 1,500 square feet.
5. Any new construction or expansion of the existing structure shall conform to the residential character, design, and scale of the surrounding residential structures.

This motion was seconded by Bryan Duncan.

Sandy Reitz stated that there was good attendance from the neighborhood for the committee meeting.

Diane Young, a resident of Fulton Heights, stated that Fulton Heights has done a good job of protecting the area from encroachment of business and has introduced traffic calming to Fulton Heights. She is not in favor of the chipping away of the fringes of neighborhoods and feels there are better uses for that site. R-8 is a very restrictive zoning district and the residents have a right to expect the protection that this zoning district affords. If there is another case in this area, there would not be as much discussion because Planning Board has already moved down the road and she has a concern about that. As a mother of two young children, she appreciates the need for quality child care, but it is inappropriate to rezone a property in R-8 for this particular use. For these reasons she would not support a recommendation to approve.

Charlie Walters would not support a recommendation to approve, although he appreciates the committee's work and the effort put into the motion. He has deep feelings about the encroachment of business into established neighborhoods.

The specifics of the childcare licensing will be addressed by another entity. David Phillips explained that a Special Use Permit for daycare facilities would be required in an R-6 zoning district. In an R-6A district a day care is permitted by right.

VOTE to recommend approval of Z-15S-05 **NAY**: Mark Beymer, Diane Young, Charlie Walters, and Brian Miller. **AYE**: Kelly Vance, Sandy Reitz, Price Wagoner, Bryce Ulrich, Valarie Stewart, Albert Stout, and Lou Manning. The motion was **approved (7-4)** to send Z-15S-05 to City Council with the recommendation to **approve with conditions**.

Z-15S-05 will go before the City Council January 3, 2006, at 4 p.m. in the Council Chamber for a public hearing and final action.

ZONING MAP AMENDMENTS

- Courtesy Hearing
- Board discussion
- Board action

A. Z-16-05 Ruth Medina
 2625 Statesville Boulevard
 330 071
 0.49 acres
 From BCS to BRT

Existing Zoning: B-CS district *Business Convenience Service (B-CS)*. The convenience service district is intended primarily for the location of convenience services and retailing of merchandise specifically for the adjacent neighborhood(s). All storage of goods and merchandise must be entirely within an enclosed building. Permitted uses may not occupy a gross floor area of more than 2,000 square feet within the building in which they are located; conditional uses may not occupy a gross floor area of more than 2,500 square feet, or 25 percent more than what is allowed for permitted uses.

Proposed Zoning: B-RT district *Retail trade business district (B-RT)*. The retail business district is intended primarily for the retailing of merchandise and the location of commercial activities which serve community trade areas.

PROPERTY STATUS

The property is currently not in use and has been for sale for some time. The previous use was a convenience market and fueling station. The minimal depth of the lot, in addition to the relatively small size of one-half acre, limits the site to small-scale developments.

It should be noted that NC DOT is in the midst of a major roadway-widening project for Statesville Boulevard. Ultimately, this project will widen Statesville Boulevard from Salisbury to Statesville. This site may be affected by the project in terms of acquisition, but that would need to be verified.

VISION 2020 PLAN

This site does not easily fit into any one policy section of the Comprehensive Plan; however, its location in the Extra-Territorial Jurisdiction (ETJ) along a major entrance corridor require the same careful consideration as any other site.

‘Newer, Existing Commercial Area’ This section of the Plan emphasizes the community’s great concern and discontent over the continuous stripping out of our major thoroughfares such as East Innes Street, Statesville Boulevard, and Jake Alexander Boulevard. These policies encourage “infill” development to occur within the expansive parking lots of large-scale developments; they encourage appropriately placed landscaping and also stress the “down-sizing” of dominating cluttered street signage.

‘City Entrances’--In a perfect world, no city would have more than about 30,000 residents, and would be surrounded by a permanently dedicated green belt or open space buffer. As a result, natural breaks would occur between city and country. Since we do not live in a perfect world, however, American cities, including Salisbury, have simply spilled out further and further into the countryside as they have grown. The problem and challenge, is to create some form of identity and sense of entry from amidst the blurred urban/rural interface. This policy section emphasizes the city’s and state’s roles in making roadway improvements along our major entrance corridors that beautify but also define the urban/rural boundary. It is important for the local businesses to share in these efforts by providing site enhancements and higher quality architecture.

Staff Analysis The intent of the B-RT district is to allow or encourage smaller scale retail trade that reaches out further than the neighborhood but does not create a regional draw. Staff would have more concern if the requested district was any more intensive than the B-RT district. Even at one-half acre in size, the site could be combined with the adjacent undeveloped parcel to create a larger development site that would support a larger-scale development that, if not properly planned, could continue the “stripping out” of our major entryway corridors. Although the B-CS district is more restrictive than the B-RT district (mainly in terms in of maximum square footage) the two zone districts are compatible and appropriate for this portion of Statesville Boulevard. The higher intensity districts are more appropriate as you approach the mall.

Statesville Boulevard (US-70) Corridor Study--Although this plan has yet to be officially adopted by the City Council, there was extensive research conducted and data collected that should not be ignored. The latest draft of the study calls for lower intensity commercial and office development from Lash Drive westward. Another policy worthy of notation is the recommendation to cluster light commercial and office/institutional development at the larger intersections, such as Lash Drive, Majolica Road, and Enon Church Road. With the speculative B-CS district zoning that has occurred on and around this site, its’ close proximity (830 feet) to Majolica Road, and the existence of B-RT adjoining the B-CS at Majolica Road, staff believes that this minor rezoning is consistent with the city’s goals and objectives. In addition, a rezoning is being sought on property that has already developed at one time. This re-use of property is preferred and supported – especially while the exact vision of Statesville Boulevard remains somewhat blurred.

RECENT REZONINGS

Z-14-78

A-1 to B-3 (B-CS) district--In 1978, the subject site was rezoned as part of a larger rezoning from A-1 district to B-3 district. The original zoning of A-1 was established in 1972. Very shortly after the rezoning to B-3 district, the city conducted a mass rezoning to change all B-3 properties to the newly created B-CS or B-RT districts. The creation of the B-CS and B-RT districts was designed to further clarify the intent of the B-3 district for small-scale commercial and office development.

Z-16-01

R-20 to B-CS district--This is the property directly across Statesville Boulevard from the subject site. This piece was rezoned to the B-CS district in late 2001.

Staff recommends approval of the request due to the belief that it is consistent with the desires of the corridor study and that it is a reuse.

Ruth Medina 2705 Faith Road, spoke in favor of her request. There are other businesses very close to this property that are already BRT.

There were no comments in opposition to the request for rezoning.

Lou Manning made a MOTION to recommend approval of Z-16-05 as submitted. Albert Stout seconded the motion with all members VOTING AYE (11-0).

January 3, 2006, the City Council will hold a Public Hearing at 4 p.m. and make the final decision on the rezoning.

B. Z-17S-05 City of Salisbury
1024 Sunset Drive
3 Parcels: 061 1074, 061 1075, 061 1178
0.965 acres
From B-6-S to BRT

Preston Mitchell was sworn in because of the “S” District and the discussion at the opening of today’s meeting. This was followed by a presentation by Mr. Mitchell.

Zoning Districts B-6-S district: (per Z-7S-98 and amended in Z-32S-99) allowed “B-RT Retail Trade Business Uses, Storage of Vehicles, and a Car Wrecker Service”

B-RT district: Allows retail and other commercial activities serving community trade areas. This area reaches beyond neighborhood, but not regionally like Mall area.

Special Use Permit District (S-District) – This is different language from the previous “S” District. This conditional zoning tool must be voluntarily petitioned for by the

property owner for establishment. The statute does not prohibit third party rezoning once established.

City Council has authority to impose reasonable conditions on the property that would run with the land: Conditions and the associated permit can be amended or revoked by the Council at any time in the future. City Council has authority to review, amend, and/or terminate a Special Use Permit based on certain circumstances.

Vision 2020 Comprehensive Plan--‘Newer, Existing Neighborhoods’

The Sunset Drive neighborhood falls within policy. It has post-WWII suburban large lots and are typically one-story with large setbacks.

‘Newer, Existing Commercial Areas’

There was concern/discontent expressed by the community in the Comprehensive Plan about large-scale stripping of major thoroughfares such as East Innes Street, Statesville Boulevard and Jake Alexander Boulevard. Policies encourage “infill” development within expansive parking lots or vacant tracts, stress appropriately placed landscaping, and “down-sizing” of cluttered street signage.

Impact on Neighborhood

Comprehensive Plan calls for neighborhood serving, neighborhood scaled services and some retail at neighborhood edges. This one-acre site could produce a 17,000 square foot building with parking and landscaping (.40 FAR).

- Mooresville Road (Hwy. 150) is a major thoroughfare on Thoroughfare Plan.
- The burden of buffering and minimizing impact is on future development.

Rezoning History

1964: Established as A-1, Rezoned to B-3 few years later

1978: (Z-25-78) Citywide rezoning B-3 to B-RT

B-RT & B-CS new districts

1998: (Z-7S-98) Parcels 75 & 178 B-RT to B-6-S Specified Uses and Conditions approved

2000: (Z-32S-99) Owner added a small NC DOT “leftover” and included it into the S-District. The owner requested expansion of uses to include major auto repair which was not approved.

Staff Recommendation

Although the property is very close to the Jake Alexander Boulevard intersection, B-6 at this residential entryway is not appropriate. Reversion to B-RT is consistent with the 2020 Comprehensive Plan calling for a smaller scale at neighborhood edges. The B-CS may be more appropriate for neighborhood-serving goods and services, but this link of Mooresville Road may be too heavy for B-CS. Staff recommends approval of the request to rezone property and to terminate S-District Permit.

No comments from the public. The mailing notifications mailed to the property owner were returned by the US Postal Service undeliverable.

Board Discussion

Bryce Ulrich stated findings of fact that:

- The business that operated under approval and guidelines of the “S” District zone and permit is out of business and has vacated the premises.
- The City of Salisbury is authorized to rezone the subject property.
- The Vision 2020 Plan calls for neighborhood-serving goods and services to be located at neighborhood and planning edges.
- The approved “S” District uses were, and remain to be, incompatible with the abutting neighborhood potentially causing diminution of the value of homes. Bryce Ulrich made a MOTION to recommend approval. Lou Manning seconded the motion with all members voting AYE. (11-0)

GROUP DEVELOPMENTS

A. G-04-68 Rowan Cabarrus Community College A (RCCC)
1333 Jake Alexander Boulevard South
Tax Map 060, Parcel 072, Zoning CU

Dr. Mark Beymer is employed by RCCC and asked to be removed from the Board for this case.

David Phillips made a presentation for both Group Developments. The presentation included the 600 Building and the adjacent faculty parking area of the North campus. Dr. Mark Beymer submitted the application for the addition of a 1,680 square foot modular office unit to include a 72 square foot handicap ramp. The proposed unit will be located at 1333 Jake Alexander Boulevard. All zoning criteria have been met. The Technical Review Committee recommends approval to the Planning board of the application, as submitted.

Lou Manning made a MOTION to recommend approval of G-04-68 as submitted. Valarie Stewart seconded the motion with all members voting AYE. (10-0)

Albert Stout made a MOTION to return Dr. Beymer to the Board and all agreed.

B. G-01-73 Mitchell Avenue Medical Center
 810 Mitchell Avenue
 Tax Map 061-A, Parcel 192, Zoning LOI

Mr. Kyle Davis, of KMD construction, resubmitted the application for the construction of a 14,000 square foot, two-story office building to include a parking lot with 60 spaces which will be located at 810 Mitchell Avenue. This previously approved group development (June 2003) was resubmitted due to the time limit expiring. All zoning criteria have been met. The Technical Review Committee recommends approval to the Planning Board of the application, as submitted.

Robert Watts, 135 Lynn Road, confirmed that the re-submittal is exactly what was submitted before.

Lou Manning made a MOTION to recommend approval of G-01-73 to City Council. Dr. Mark Beymer seconded the motion with all members VOTING AYE (11-0).

Diane Young commented that she was involved last year with the committee that met for the Romed Building and several residents of Fulton Heights attended, also. There are concerns from the neighborhood about the project being named Mitchell Avenue Medical Center. Because this name may bring unwanted traffic to Mitchell Avenue, residents hope the project will be called by another name. It is the understanding of the contractor that this name was submitted on the application simply because the application called for a name.

David Phillips stated that Salisbury's ordinance has no building design standards.

SUBDIVISIONS

Mr. Mitchell stated that this item had been pulled from the agenda. The developer was out of town.

A. Planning Board to consider an updated approval of the preliminary plat for S-04-89 Corbin Acres Phase 2 and 3 which has expired.

- Receive a presentation from Staff
- Receive comments from the developer
- Board discussion and decision

Mr. Patrick Ritchie made a presentation for the following.

B. Planning Board to consider an extension of time for the preliminary plat for S-05-03 Stone Ridge Phase 2.

- Receive a presentation from Staff
- Receive comments from the developer
- Board discussion and decision

The Engineering Division has received a request from the developer of Stone Ridge Section 2 for an extension of the preliminary subdivision plat. The development has a valid preliminary plat that will expire in December, and engineering construction documents have been approved, but construction has not yet begun. No changes to City standards that would effect this subdivision have occurred since the plat was originally approved.

The original approval (December 2003) was granted with relief from the following City Standards:

1. Section 5.02.11 of the Subdivision Ordinance, states that the maximum distance between intersections within new subdivisions shall be 800 feet. When all phases are complete, this limit will be exceeded on Stone Ridge Drive.
2. Section 5.02.12 of the Subdivision Ordinance limits the maximum length of a cul-de-sac to 600 feet. Construction of Phases 2-A involves installation of cul-de-sacs which will exceed this limit.

The Technical Review Committee (TRC) recommends that an extension of this plat be approved by the Planning Board subject to relief from standards as originally stated.

When a preliminary plat has been approved by the Planning Board, the development will be subject to the following standard provisions:

1. Improvements for drainage, streets, water and sewer must be designed in accordance with City standards and policies unless relief from specific standards is granted by Planning Board.
2. An agreement concerning extension of water and sewer lines must be completed and approved by the developer and City Council.
3. Street names must be reviewed and approved by Rowan County.
4. All surveying and engineering plans must be tied to the NC State Plane Coordinate System. The City will assist in establishing coordinates for the original tie if necessary.
5. Erosion control must be provided in accordance with Rowan County regulations. For more information contact: Mr. Greg Greene, Environmental Specialist, Rowan County Environmental Services, 704-638-3078.

6. Approval of the preliminary plat will be valid for two years. Extensions of preliminary plat approval may be requested for no added cost in advance of the expiration date, or for 50% of standard fees after the expiration date.

Mr. Walters asked why the previous Board had granted the relief. Mr. Ritchie stated that it was not staff recommendation to grant the relief. Mr. Walters had reservations and felt the Board should look at this more carefully.

Jim Burgess, 125 Stoneridge Drive, remembered this being a “heated debate.” He is a resident, as well as the developer in the neighborhood. When he took over the development he was trying to maintain continuity with the existing development. This included using larger lots. The Vision 2020 Comprehensive Plan calls for higher density and smaller lots. There was a time delay in construction due to engineering information.

Bryce Ulrich believed that the developer had gone through the City’s process and deserved the opportunity to begin construction. He acknowledged that it can take a long time to get the engineering information back. He stated that he was in favor of supporting the previous Planning Board’s decision. Dr. Beymer agreed with Mr. Ulrich. Sandy Reitz previously voted against the approval but will support the previous Planning Board decision.

Lou Manning agreed with Mr. Ulrich and Dr. Beymer and made a MOTION to recommend re-approval of S-05-03. Mr. Albert Stout seconded the motion. It was agreed again to recommend approval to City Council with a 10-1 VOTE. (Charlie Walters voted against recommending approval.)

TEXT AMENDMENTS

A. T-01-06: Asphalt Plants in M-2 with an SUP (Conditional Use)

Petitioner: City of Salisbury

Size/Scope: Amendment to entire Zoning Code

Staff Recommendation

Send this item to Legislative Committee A for further review and research due to the complexities of the use and due to the finding that the largest “polluter” of noxious agents was not a hot mix asphalt plant. Staff would like to determine if hot mix asphalt facilities are always attached with the liquid asphalt terminals.

Petitioner Requests to amend the city zoning code to allow for the use of hot mix asphalt plants within the M-2 (Heavy Industrial) district as a conditional use requiring a special use permit.

Vision 2020 Comprehensive Plan

Issues concerning Salisbury’s **Newer Industrial Areas** deal mainly with problems of the compatibility of some industrial operations with nearby non-industrial land uses, and to a lesser extent, property upkeep and appearance of some industrial sites along the city’s

major roadways. While the vast majority of industrial operations are good neighbors and good corporate citizens, there are a few which cause problems for their neighbors and for the image of the community at large. These few problem industries are the focus the policies which follow.

Policy I-3: The City of Salisbury shall be vigilant in its use and enforcement of environmental performance standards for industrial operations, with particular concern for the protection of nearby residential properties.

For the ordinance to be effective, the meaning of these various environmental impacts should be accurately defined according to *measurable, quantitative thresholds*. In zoning ordinances, such thresholds are most often referred to as *performance standards*.

Staff contacted NCDENR Division of Air Quality for guidance.

Salisbury Air Quality Monitoring Study

The DAQ, Toxics Protection Branch, completed an air quality monitoring study on August 29, 2003. This study was conducted in response to air quality issues arising from odor complaints and potential health concerns from residents of the Milford Hills area in the city. Registered were 400 asphalt related complaints to either the City of Salisbury or the Mooresville regional office of the Division of Air Quality (DAQ).

Planning Board made and seconded a MOTION to move past 6 p.m.

Looking beyond the incredible amounts of detailed scientific data, staff can report that there were two very important discoveries:

1. That Hydrogen Sulfide (H₂S) is the most emissive toxic compound identified to be emitted from Associated Asphalt liquid asphalt terminal. It was determined that both Associated Asphalt and APAC Hot Mix asphalt plants exceeded appropriate emission levels, but the highest levels were found at the liquid asphalt terminal (Associated) and not at the hot mix facility. Measured H₂S in the residential areas surrounding the asphalt operations occasionally exceeded odor threshold levels and very likely reached or exceeded odor nuisance levels on a periodic basis. In response to this study, Associated Asphalt was required to remove their Ecosorb scrubbers and replace them with activated carbon canisters.
2. That Benzene is the only Volatile Organic Compound (VOC) toxic air pollutant (TAP) of potential regulatory concern in the study. However, the highest concentration of Benzene came not from one of the asphalt facilities, but from the Southern States remediation site. That site has been under soil and groundwater remediation since 1999 due to former petroleum contamination.

Sandy Reitz made a MOTION to send this be assigned to Legislative Committee A. Albert Stout seconded the motion with all members VOTING AYE (10-0). Lou Manning left the meeting prior to this vote.

The meeting was scheduled after the Board meeting for 8:30 a.m. December 19.

B. T-02-06: Motorcycles / Mopeds in BR-T

Request to amend the city Zoning Code to allow for the use of motorcycle & moped sales and service beginning in the B-RT district and allowing them cumulatively through the Zoning Code except in the downtown B-5 district or any other non-cumulative zoning district.

Retail trade business district (B-RT) - The retail business district is intended primarily for the retailing of merchandise and the location of commercial activities which serve community trade areas.

This is another situation where some housekeeping within the code needs to occur. Based on the language below, motorcycles and mopeds are *only* permitted in the B-RT zoning district and not permitted in any other zoning district of the entire city. The Zoning Administrator believes that this situation was an oversight and must be rectified. In addition, if this situation were upheld, it would automatically take several motorcycle / moped sales and service facilities to a non-conforming status.

Section 8.35. Retail Trade Business District (B-RT)

Within the Retail Trade Business District (B-RT) the following uses shall be permitted and within the Special Retail Trade District (B-RT-S) the following uses may be permitted:

- All uses permitted in a retail business district (B-2) unless otherwise authorized to a different extent by a specific permitted use reference or stipulation for this district, and excluding the following permitted use in B-2: fast food restaurants. [AA]
- Car detailing, including washing and waxing of vehicles within an enclosed building. [C]
- Car rentals. [BB]
- Coin-operated game machine establishments, including video arcades. [BB]
- Emergency services, including ambulance stations. [L]
- Fire stations. [L]
- Florist or garden shops, for retail only, with outdoor display of plants and horticultural materials and supplies permitted as an accessory use, but not including commercial greenhouses where plants and/or flowers are grown or stored for wholesale distribution. [BB]
- Funeral homes. [U]
- Lawn mower and small engine service and repair. [BB]
- Household equipment repair. [BB]
- Locksmiths or gunsmiths. [BB]
- **Motorcycle or moped sales and service, including parts, provided all uses are conducted entirely within the principal structure and located in the B-RT district only.** [BB]
- Opticians and optical services. [R]

- Pet shops. [BB]
- Photocopying and offset printing services, provided that not more than four thousand (4,000) square feet of gross floor area are devoted to the complete operation. [BB] (See photocopying, etc., under conditional use of this district.)
- Public utility distribution lines, transformer stations, transmission lines and towers, water tanks and towers, and telephone exchanges but not service or storage yards. [NR]
- Rent-to-own stores. [BB]
- Service or filling stations, but not including major repair work, provided that gasoline pumps or other appliances shall be located at least twelve (12) feet behind the property line, and all service, storage or similar activities connected with such use shall be conducted entirely within the premises. [K] See section 12.11, exception for setback of canopies for automobile or filling stations.
- Tailor and dressmaking shops. [BB]
- Video stores. [BB]
- Accessory uses and structures when located on the same lot as the main structure excluding, however, open storage. [NR]

Within a retail trade business district, the following conditional uses are permitted:

- Automobile sales of used cars only, including minor servicing but not including any major repair or overhaul of motors, transmissions, or any body work other than cleaning and polishing provided that such service, except for the cleaning, and polishing, shall be conducted entirely within an enclosed structure. In granting this conditional use, the zoning board of adjustment, in addition to restrictive conditions specified in section 4.02, may set a limitation on the amount of land used for this purpose. [C]
- Bakeries, where the products are sold exclusively on the premises, may as a conditional use produce bakery products for off-site sale provided the total production area for bakery goods for both on-site and off-site sales shall not exceed 2,000 square feet. [BB]

Photocopying and offset printing services, provided that only presses using cut paper be used and that the floor area may exceed 4,000 square feet of gross floor area but not exceed 10,000 square feet of gross floor area devoted to the complete operation, including warehousing directly related to the production on premises. [BB] (See photocopying, etc., above this district for such uses not exceeding 4,000 square feet of gross floor area.

Charlie Walters made a MOTION to approve this amendment to the Salisbury Zoning Code. The motion was seconded with all members VOTING AYE. (10-0)

COMMITTEES

A. Request to convene Special Committee for 2006-07 Goals

The committee will have the goals ready by the Planning Board meeting January 10, 2006. (Bryce Ulrich, Albert Stout, Charlie Walters, Brian Miller) The committee will meet at 8 a.m., Wednesday, January 4, 2006, in the first floor conference room at City Hall.

B. North Main Small Area Plan

Janet Gapen reported that the residents, staff and interested parties just wrapped up a series of committee meetings. Over four meetings occurred in November. The next step is to hold a design workshop in January. Planning Board will be contacted for an evening in January. Janet will distribute a summary report on these meetings.

The residents have organized a Neighborhood Watch. The residents have been very active and positive.

OTHER BOARD BUSINESS

The City of Salisbury Offices will be closed December 27; therefore, Planning Board will not be scheduled for that meeting.

The 45-day time limit to process a rezoning has been reduced to 30 days.

The City of Salisbury submitted an application for a grant that is offered by NC DOT Division of Bicycle and Pedestrian Transportation. This came out of a request from South Fulton residents to re-stripe that area for bicycle transportation. This is the first step in obtaining a comprehensive bike plan for Salisbury.

There being no further business to come before the Planning Board, the meeting was adjourned at 6:30 p.m.

Brian Miller, Chairman

Lou Manning, Vice Chairman

Secretary, Diana Moghrabi